IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.444 of 2007
SHYAM NARAIN PANDEY
Versus
THE STATE OF BIHAR & ORS
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6 **21.08.2008** Heard learned counsel for the petitioner and the State.

In the instant writ application the petitioner prays for direction to the respondent to ensure the attendance of respondent second set namely, Raghubansh Kumar Shandilya and Kaushal Singh, both of whom serving as constables of District Armed Forces, Muzaffarpur. Learned counsel for the petitioner submits that aforesaid respondent no. 6 and 7 are named accused in Complaint Case No. 667 of 1997 filed by the petitioner. Learned counsel submits that way back on 26.02.2006 notice was issued to the accused persons, including the respondent no. 6 and 7 for appearance in the case. It appears that notice when unheeded and the learned Magistrate vide order dated 5.08.2002 issued non-bailable warrant of arrest against them through the Superintendent of Police, Muzaffarpur. Thereafter again on 30.09.2002 the petitioner brought to the notice of the Court that

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respondent no. 6 is at the moment attached with the then Mayor Samir Kumar of Muzaffarpur. On 30.09.2002 the learned Magistrate issued necessary order for the arrest of the accused persons again on 21.02.2003 non-bailable warrant as well as reminder was issued to the respondent's police. Then on 17.04.2008 a D.O. letter was issued also for producing him before the Court. All these have gone unheeded. Learned counsel for the State submits that it appears that accused respondents are at the moment possibly in Bagha and Motihari. He submits that it would appear from dated 23.03.2004 that the Magistrate has issued necessary orders for sending appropriate reminders to the S.P., Bagha and Motihari for producing the aforesaid accused persons in the Court. Today in the year 2008 and still the aforesaid persons have not been arrested nor produced before the Court below. The non-protection of the accused persons are also hampering complaint Case No. 667 of 1997. Apart from there being violation of the order of the Court itself.

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Having heard the learned counsel for the parties this Court directs S.P., Muzaffarpur as well as

Zonal I.G. Tirhut Range to Muzaffarpur to take appropriate steps to ensure the production of respondent no. 6 and 7 before the Court in seisin of case of Complaint Case No. 667 of 1997 being trial no. 362 of 2005 at its earliest preferably within two months from the date of receipt of a copy of this order. All police personnel of districts concerned will provide necessary assistance to the Muzaffarpur police.

Let a copy of this order be communicated to S.P., Muzaffarpur and I.G., Tirhut Range for the needful. Let a copy of this order be sent to the Secretary, Home Police, Government of Bihar.

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(Samarendra Pratap Singh, J.)

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